A GUIDE TO LOCAL GOVERNMENT ELECTIONS IN RESORT VILLAGES

DEPUTY RETURNING OFFICER'S MANUAL

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Introduction

On election day, the deputy returning officer (DRO) will be called upon to exercise important responsibilities in an effective and efficient manner. Together with the poll clerk, the DRO will be responsible for the proper administration of the poll. If the DROs take the time to learn their duties and responsibilities prior to election day, they will be prepared to make the best decisions when they are called upon to do so.

The deputy returning officer is responsible for setting up and opening the polling place, providing qualified voters with a ballot, recording the operation of the poll, and remaining at the poll after it closes to count the ballots and transmitting the results to the returning officer, if directed by the returning officer (RO).

The numbers in the left-hand margin refer to sections, subsections or clauses in The Local Government Election Act (LGEA). For example, "**Ss 23(1)**" in the margin means that the details of the paragraph may be found in subsection (1) of section 23 of the LGEA.

This manual has been prepared based on the LGEA as a guideline to assist DROs with their duties. It has no legal authority. If, after reading the manual, you are in doubt about any procedures, consult the LGEA or contact the returning officer.

Prior to Election Day

1. All DROs should attend the training session conducted by the returning officer. Since the poll clerk must act in the DRO's place if he/she is ill on election day, the poll clerk should accompany the DRO to the training session.

2. At the training session, the DRO will receive from the returning officer, the following materials:

   - appointment forms (Form A3) for him/herself, the poll clerk and (if necessary) the election day enumerator;
   - a declaration (Form B) which the DRO will make in the returning officer's presence; and
   - ballot box, ballots, voters' list (if applicable) and other election materials.

3. The materials received should be checked against the list provided by the returning officer. If any are missing, the DRO should contact the returning officer at once.

4. The polling place should be inspected by the DRO in advance of election day.

   The building caretaker should be contacted by the DRO to ensure that sufficient chairs and tables are available and located in the room where the poll will be held:

   - tables and chairs for DRO and poll clerk
   - table and chairs for enumerator (if one is appointed)
   - table and chairs for candidates' agents
   - small table on which the voting compartment can be placed (when a "voting booth" is used, a space in which to set it up will be required).

   Arrangements should be made with the caretaker to unlock the door at the polling place at least 30 minutes prior to the opening of the poll so the DRO may complete his/her preparations.

5. If a situation arises that the DRO or the poll clerk cannot act on election day, the returning officer must be notified at once.

6. On election day, the DRO and the poll clerk must be present at the polling place for approximately 12 hours (from one-half hour prior to the opening of the poll until all paper work is completed after the close of the poll). Since these officials will not be able to leave the polling place, they should take lunch or arrange to have meals sent in.

Election Day

Before the Poll Opens Ss. 68(1)

The Act requires that the deputy returning officer be at the polling place at least 30 minutes prior to the opening of the poll. Also, the poll clerk and the enumerator should arrive early to assist the DRO in the preparations.

1. The DRO will take to the polling station:
   - the ballot box and all supplies;
   - accurate time-piece (watch or clock).

2. At the polling place, the DRO should arrange tables and chairs if this has not already been done by the caretaker.

3. The voting compartment should be set up in such a way that no one can see how an elector marks the ballot.

Ss. 68(2)

4. "Directions for Voting" (Form W) and Form X must be posted as follows:
   - one copy of each in the voting compartment; and
   - one copy of each at the entrance to the polling place.

Ss. 68(2)

5. A pencil must be fastened in the voting compartment.

Ss. 69(1)

6. The poll clerk and election day enumerator for the poll make their oaths in Form B in front of the DRO.

Ss. 69(2), S. 72

7. Candidates and candidates' agents are to be admitted to the polling place. After each agent has given the DRO his/her appointment form (Form N), the DRO administers the declaration in Form T. Candidates who attend at the polling place are also required to take the declaration in Form T.

Ss. 72(2)

Note: A candidate or candidate's agent may arrive at the poll or depart any time from 10:00 a.m. to 8:00 p.m. The DRO may assign a position for the candidates/agents to observe the conduct of the election.

(An elector appointed to observe proceedings at a vote on a bylaw or question must provide the DRO with his/her appointment form, Form FF and take the declaration in Form GG.)

Ss. 68(2)

8. When requested to do so by a candidate's agent, the DRO must count the ballot papers in the presence of any persons authorized to be in the polling place.

   The word "Spoiled" should be written across the back of each torn or improperly printed ballot. These ballots are then placed in the envelope marked "Spoiled and Declined Ballots".

   This envelope should be kept under the ballot box so that it is available during the course of the day for depositing any spoiled or declined ballots.

S. 70

9. At 10:00 a.m. the door is opened to permit voters to enter. The DRO shows everyone present that the ballot box is empty. The DRO then closes it and affixes one of the seals provided by the returning officer and places it on the table in the full view of persons present.

   If the ballot box has been previously used at an advance poll, the DRO shows everyone present that the seal is intact before removing it to allow the deposit of ballots.

Conduct of the Poll
S. 71

Persons Permitted in Polling Place:

- Returning Officer, DRO, poll clerk (also enumerator and constable when appointed);
- candidates;
- candidates' agents (not more than two per poll for any one candidate at any time in addition to the candidate);
- electors appointed under section 118 (question/bylaw);
- electors waiting to vote;
- a friend or escort of a disabled voter or an interpreter for a voter who does not understand the English language.

S. 62

Voting Compartment

From time to time, the DRO should check to see that no campaign literature has been left in the compartment. A check should also be made to ensure the pencil is still there and sharpened when necessary.

Candidates and Agents

Candidates and their agents have the right:

- to observe proceedings at the poll;
- if a voters' list is used to demand that an elector complete a Voters' Registration Form, Form Q;
- to enter and leave as they please during the hours that the poll is open, provided that no candidate has more than two agents present at one time; and

S. 104

- the candidate or one agent has the right to witness the counting of ballots and to object to the counting or the rejecting of any ballot.

However,

Candidates and their agents do not have the right to question the electors or to influence their voting decision in any way.

S. 148, 149 **Secrecy of Vote**

When necessary, the DRO may need to remind any person that it is an offence punishable by a fine or imprisonment to violate the secrecy of the ballot. A person commits an offence who:

- tries to find out how an elector has voted or will vote; and/or
- communicates to anyone how an elector has voted or will vote.

S. 30 **Peace and Good Order**

The deputy returning officer has a duty to maintain peace and good order in and around the polling station. If there is a disturbance or if anyone is obstructing or harassing electors, the DRO may either call the police to keep order or appoint a person to act as constable.

S. 151 No one is permitted to canvass or solicit votes in the polling place. If a person is soliciting votes within 50 metres of the polling place, the DRO should report it to the returning officer at once.

Ss. 23(1) **Voter Eligibility**

Every person is qualified to be registered as an elector in a Resort Village, who, on the day of the election:

(a) is a Canadian Citizen;

(b) is of the full age of 18 years; and

(c) (i) has resided in the Resort Village or on land now in the Resort Village for at least three months; or

(ii) is the owner of assessable land situated in the Resort Village or of land now situated in the Resort Village for at least three months; or

(iii) is the lessee of land in the Resort Village or of land now in the Resort Village for at least three months; or

(iv) is the spouse of a person mentioned in (i), (ii) or (iii) above.

Administering Oaths and Declarations

1) Written Oaths: Form B

Before commencing duties, the election day enumerator and poll clerk must each take an oath in Form B. If the enumerator or poll clerk prefers to swear or affirm, the DRO administers the oath as follows:

- The enumerator or poll clerk reads aloud the appropriate form ending with "I do so swear (or affirm)".
- The person must sign the form in the DRO's presence, indicating either "swear" or "affirm".
- The DRO will then sign the form after completing the portion above his/her signature.

2) Verbal Declarations: Form P

When a disabled voter is not able to complete a Form Q he/she may make a verbal declaration as follows:

- The DRO will read one sentence or phrase at a time.
- The voter will repeat each sentence or phrase after the DRO.
- When the voter has repeated all of the applicable phrases, he/she shall be permitted to vote.
- The poll clerk indicates in the poll book that the voter has "declared" verbally and notes the section of the LGEA the verbal declaration was made under.

3) Written Declarations: Forms Q, T, U & V

- The person making the declaration completes the appropriate spaces in the form and reads the declaration before the DRO. It is not necessary for the person to read the declaration aloud.
- The person signs the declaration.
- The DRO signs the declaration as a witness.
- The poll clerk indicates in the poll book that the voter has "declared" verbally and notes the section of the LGEA the verbal declaration was made under.

Voting Procedures

1. When a voters' list is used, the DRO or poll clerk asks the voter his name and address, then looks for the name on the voters' list to determine if the person has already voted at an advance poll.

   (See "Appendix A" re: procedures at an Advance Poll)

Clause 75(b), S. 74

2. When a voter's name is not on the list or when a voters' list is not used, the voter must complete the voter's registration form, Form Q. An enumerator can be assigned to assist voters to complete the form. The voter will hand the form to the DRO.

S. 74

3. In the poll book, or the combined registration form/poll book, the poll clerk records in consecutive numeric order the name and address of the voter.

S. 77, 87

4. The DRO initials the ballot, folds it so that the initials are visible and hands it to the voter instructing him/her to return it folded in the same fashion. On being requested by a voter, the DRO will explain the proper method of voting.

   Note: A torn ballot paper must not be given to a voter. If a ballot paper is accidentally torn by the DRO, he/she should write "Spoiled" on the back of it and place it in the envelope for "Spoiled and Declined Ballots."

S. 86

5. When the DRO has given the ballot(s) to the voter, the poll clerk will place check marks in the appropriate columns in the poll book or the combined registration form/poll book.

S. 79

6. After voting, the voter will hand the ballot(s) back to the DRO.

S. 83

7. At this point the voter may ask for another ballot if he/she has inadvertently spoiled it. In that case the DRO:

   - writes "Spoiled" on the returned ballot and places it in the envelope marked "Spoiled and Declined Ballots";
   - gives the voter another ballot; and
   - the poll clerk writes in the "Remarks" column "(Mayor, alderman, board member) ballot spoiled, another issued."

S. 80

8. When the voter returns the ballot, the DRO should check to verify that his/her initials are on the ballot. If the ballot is folded improperly, the DRO may direct the voter to return to the voting compartment to refold it or the DRO may re-fold it ensuring that no one can see how the voter voted.

S. 80

9. The ballot is then deposited in the ballot box by the DRO. (It is a good idea to place an envelope over the slot so that voters do not deposit their own ballots in the ballot box.)

S. 81

10. The voter must then leave the polling place unless he/she has some reason to remain there (for instance, if he/she were to remain as a candidate's agent).

11. When there are persons lined up to vote, the DRO does not give out ballots to more than one person at a time. Only after one ballot (or set of ballots) has been deposited in the ballot box may another be given to the next voter in line.

Exceptions to the Voting Routine

1. **The Voters' List: Errors and Omissions**

Clause 75(b), Ss. 84(1)

- A voter whose name does not appear on the voters' list or whose name has been placed on the wrong voters' list, shall be permitted to vote only after completing a Voter's Registration Form, Form Q;

S. 76

2. **Voter Challenged**

- A candidate or his/her agent may object to a person voting on grounds that he/she is not eligible.

- If not already completed, a voter must complete a Voters' Registration Form, Form Q. The DRO must then give him/her a ballot and permit him/her to vote.

- A check mark is placed in the column, "Objected to " by the poll clerk who also writes in the "Remarks" column the name of the person who objected. The DRO initials this entry.

3. **Voter Unable to Mark Ballot Paper**

Voters unable to read or unable to vote for any physical reason (including those who have impaired vision) may be assisted to vote:

- The DRO shall have the voter make a verbal declaration in Form P;

- In an appropriate, private, location in the polling place, in the presence of the poll clerk and candidate's agents, the DRO shall mark the ballot as directed by the voter and place the ballot in the ballot box; or

- If the voter has made the declaration in Form P, and is accompanied by a "friend", the friend may, after making a declaration in Form U, accompany the person to the voting compartment and mark the ballot as directed by the person.

Ss. 89(4)

Note: No person shall act as the "friend" of more than one voter in the same election.

- If a blind voter or a voter with impaired vision so requests, the DRO must provide a template to the voter so that his/her ballot can be marked in secret.

When a voter who is blind, unable to read or is physically disabled, votes in any of the ways mentioned above, the poll clerk shall enter in the "Remarks" column the following:

- the reasons that the ballot was marked for the voter, e.g. "voter blind", "voter disabled";
- the name of the person who marked the ballot paper (DRO, name of friend);
- the word "declared" after the name of the friend;
- check the "declared" column for the voter.

4. **"Curbside" Voting**

The Act requires the RO or the DRO to permit electors who are unable to enter the polling place because of physical disability or limited mobility to vote at an accessible location nearest the polling place. For example, a voter could ask to vote in a car parked in front of the polling place. This provision gives the disabled and those with limited mobility the same opportunity to vote as able-bodied voters.

- Applies to all regular and advance polls.
- The voter, or a person acting on behalf of the voter, makes an oral or a written request to the RO/DRO.
- The RO/DRO temporarily suspends proceedings in the polling place to go out to take the voter's ballot (takes ballot(s), poll book, ballot box, declarations, etc.)
- The requirements of the Act regarding proceedings at the poll apply to "curbside" voting as well.
- A person may vote under this provision only during the time the poll is open.

S. 90

5. Use of an Interpreter

- A person who does not understand the English language may be allowed an interpreter.
- The interpreter must make a declaration in Form Y.
- A candidate or candidate's agent may not act as an interpreter for a voter.
- The poll clerk must note in the "Remarks" column that an interpreter was used.

S. 91

6. Elector Declines to Mark Ballot

When a voter returns a ballot to the DRO stating that he has not marked the ballot, the DRO writes on the ballot the word "Declined" and places it in the envelope for "Spoiled and Declined Ballots". A note must be made in the "Remarks" column that the ballot was returned. The DRO initials the entry.

6.1 Elector Declines Ballot

Where an elector accepts one or more ballots and declines one or more ballots, the poll clerk should also note this in the remarks column; e.g., "Mayoral Ballot Declined".

S. 76.1

6.2 Refusal to Make a Declaration

If any person fails or refuses to make a declaration required for the purpose of voting, he/she shall not be allowed to vote.

S. 58

7. Death of a Candidate

The returning officer will instruct the DRO as to the procedures to be followed should one of the candidates die between the end of the withdrawal of nominations period and election day.

Close of the Poll

1. As soon as it is 8:00 p.m., the doors to the polling place are closed. No one who arrives at the polling place after 8:00 p.m. will be allowed to vote.

S.67

Persons who were in the polling place at or before 8:00 p.m. and who are waiting to vote shall be permitted to vote.

2. When the last person has voted, the DRO shall ask all persons to leave except those who are entitled to be present at the counting of votes (deputy returning officer, poll clerk, candidates, candidates' agents, enumerators and electors appointed under section 118).

Clause 98(a)

3. After the name of the last person entered in the poll book, the DRO writes this sentence: "The total number of persons who have voted in this election at this poll is (state number)

   Signature of DRO "

4. If separate ballot boxes have been used for the ballots for each of mayor and alderman, the DRO opens one box and proceeds with the count for that office. All forms are completed and the ballots are placed in the appropriately labeled envelopes before opening the next ballot box. The envelopes are not sealed until the ballots in the last ballot box have been counted and the ballots have been added to the contents of their corresponding envelopes.

5. Ballots for each of the other offices are counted in this same manner.

6. If the ballots for mayor and alderman have been placed together in one ballot box, the DRO opens the ballot box and with the help of the poll clerk and enumerator, sorts the ballots into separate piles.

7. The DRO proceeds with the count for one office completing the forms and placing the ballots in the appropriately labeled envelopes. Again, the envelopes are not sealed until the ballots from the last pile have been counted.

8. All envelopes are sealed and placed in the ballot box but the box is not sealed at this time.

Counting the Ballots

Clause 98(c)

General Procedures

Only the DRO handles the ballot papers. However, he/she must handle them so that the persons present are able to see how each ballot is marked.

The DRO unfolds one ballot at a time, checking each for his/her initials on the back.

As each ballot is opened, the DRO calls out the name of the candidate(s) for whom it has been marked.

The poll clerk will keep score on a tally sheet (squared papers divided into tens).

No Initials on the Ballot

Any ballot papers on which there are no initials should be set aside.

S. 101 If any ballot with no initials is needed by the DRO to account for all ballots supplied to him/her, and the DRO is satisfied that the ballot is one that was delivered to a person intending to vote, then the DRO may sign his/her initials on it and deal with it as if it had been initialed.

All of the other ballots for that office are counted or rejected.

S. 99 **Ballots to be Rejected**

If any of the following situations arise, the ballot must be rejected:

- A ballot without the DRO's initials, if the DRO is sure that he/she did not supply that ballot to the voter.
- A ballot on which more votes are made than the person who voted is entitled to make.
- A ballot on which anything is written or marked by which the person who voted can be identified.
- A ballot that has been torn, defaced or otherwise treated by the voter so that it may be identified or it may identify the voter.
- A ballot on which no vote is marked.
- A ballot marked contrary to the manner specified in Clause 79(b).

S. 100 **Ballots Not to be Rejected**

Ballots are to be marked with an "X" in the circle to the right of the name of the candidate being voted for [79(b)]. However, ballots are not to be rejected merely because the voter has marked his ballot with a mark other than an X, provided that the mark clearly indicates an intent to vote for the candidate opposite whose name the mark is placed.

A ballot should not be rejected merely because the voter has marked his/her vote out of or partly out of its proper space, provided the mark clearly indicates an intent to vote for the candidate opposite whose name the mark is placed.

S. 102

Objections to a DRO's Decision

A candidate or candidate's agent may object to the rejection or counting of any ballot.

The DRO assigns a consecutive number to each objection and writes on the back of ballot:
Objection # (DRO's initials)
Rejection objected to
or
Counting objected to

In the poll book the poll clerk writes:
Objection #
(Rejection, Counting) objected to by
(name)
Decision: To (reject, count) the ballot
(DRO's initials)

The DRO makes the final decision whether to count or reject the ballot.

All the ballots which were counted but which were objected to are kept separate.

The other ballots which the DRO rejected but which were objected to should be placed with the other rejected ballots.

Activities After Counting the Ballots

Note: The following steps must be completed each time the ballots for an office (mayor, alderman) have been counted.

S. 103

1. After the ballots for one office are counted, the DRO carefully records on Form Z (Statement of Results) all of the required information for that office.

   Note: A separate Statement of Results (Form Z) for each of the offices for which there was an election (mayor, alderman) must be completed.

   The DRO prepares a duplicate of the Statement of Results for the returning officer. If requested, the DRO makes copies of the Statement of Results for any persons authorized to attend the count. These copies may be made and given to the candidate or agent that evening after all ballots have been counted and the other necessary paperwork completed.

Ss. 106(1)

2. For all offices the following items are placed in separate envelopes:

   (a) The original of the Statement of Results (Form Z).

   (b) All of the counted ballots to which no objection has been made (may require more than one envelope).

   (c) All of the counted ballots to which objections have been made.

   (d) All of the rejected ballots.

   (e) All of the spoiled and declined ballots.

   (f) All of the unused ballots.

Ss. 106(2)

3. Each envelope should be clearly marked to indicate:

   - the office (mayor, alderman);
   - the contents;
   - date of vote;
   - number of the polling area (if applicable); and
   - name of the DRO.

4. Each envelope is sealed.

S. 105

5. After all ballots have been counted the Statements of Results (Form Z) are prepared and sealed, the DRO completes the Declaration of Poll (Form Y) and attaches it to the cover of the poll book.

S. 107

6. The following items are placed in the ballot box:

   - the voters' list;
   - all forms used in connection with the election (voter's registration forms, appointment forms, etc.);
   - the poll book; and
   - all labeled envelopes.

   The duplicate copy (copies) of the Statement of Results (Form Z) are not to be placed in the ballot box.

7. The ballot box is then sealed.

8. The DRO delivers the sealed ballot box and the duplicate Statement(s) of Results to the returning officer.

Note: This is the personal responsibility of the DRO.

APPENDIX A INSTRUCTIONS FOR THE DEPUTY RETURNING OFFICER OF AN ADVANCE POLL

Most of the procedures outlined in the Deputy Returning Officer's Manual apply to a DRO in charge of an advance poll. The differences are explained in this section.

1. The returning officer will inform you concerning the day or days on which the advance poll will be held and the hours of voting.

2. On the first day on which the advance poll is open, be present at the polling place at least thirty minutes before the poll is to open.

   Follow instructions under the section "Prior to Election Day" Numbers 1-5.

   If the hours of voting at the advance poll extend through a meal time, arrange to take lunch or have a meal sent in. You cannot leave the polling place during the hours of voting.

3. On the first day that the Advance Poll is open, follow all instructions under the heading, "Before the Poll Opens" Nos. 1-8.

   For No. 9, substitute the following:

   - At the hour fixed for the opening of the poll, show everyone present that the ballot box is empty. Close it and affix one of the seals provided by the returning officer and place it on a table in the full view of the persons present. Open the door to permit voters to enter.

   - When the advance poll is held on more than one day, attend at the polling place ahead of time on the second or third days in order to be ready to open exactly on time.

4. Follow all instructions under "Conduct of the Poll".

5. Instead of instructions No. 1-3 under "Voting Procedures", substitute the following procedures:

   (a) Before being permitted to vote, all persons must complete the Voters' Registration Form, Form Q, including the section for Advance Polls, whether a voters' list is being used or not.

   (b) Where a voters' list has been compiled, the returning officer will provide you with a copy.

   (c) When a voter enters the polling place, the enumerator will assist him/her to fill out the Voter's Registration Form Q.

   (d) The voter will hand this sheet to the poll clerk who will record on the

Advance Poll List (Form R) the consecutive number, name, address, poll number.

(e) It is very important that the poll clerk be accurate, since the Advance Poll lists are used by the RO to compile information on who voted at all advance polls. The RO provides this compiled information to all DROs for use on election day.

Under "Voting Procedures", follow instructions No. 4-11. Follow instructions No. 1-6 under the section "Exceptions to the Voting Routine".

6. Close of Poll on Advance Poll Days

Read Carefully.

Ballot Box

(a) At the close of poll on each day that the advance poll is held, seal the slot in the ballot box. Sign your name on the seal and allow any agents to sign it also.

Do not open the ballot box.

(b) Remove the paper seal each day at the opening of the advance poll and place another one on each day at the close of the poll.

Note: The ballots must not be counted until after the polls close at 8:00 p.m. on Election Day.

Advance Poll List

(a) At the close of poll on each day that the advance poll is held, sign your name directly below the last name recorded on the Advance Poll List.
e.g. Mary Brown
Deputy Returning Officer.

(b) At the close of poll on the last day that the advance poll is open, in addition to signing your name, add the sentence: "The total number of persons who have voted at the advance poll is (state number)

Signature of DRO "

Safekeeping of Election Materials

At the close of poll on each day that the advance poll is held, place all election records, unused supplies and materials in a sealed or locked box other than the ballot box. Keep the container and the sealed ballot box in a safe place to prevent anyone obtaining access to them.

Delivery to Returning Officer

After the close of the poll on the last day that an advance poll is held, deliver to the returning officer the original of the Advance Poll List.

The RO should direct you as to what to do with the ballot box and the other election materials. The ballot box may be used at the regular poll or you may simply be asked to keep everything safe until the close of polls on election day.

7. Counting the Ballots

S. 97

(a) After the regular polling places have closed on election day (8:00 p.m.), take the election materials and ballot box to the premises specified by the returning officer, unless otherwise directed.

(b) In the presence of the poll clerk, the candidates and/or candidate's agents who are present, open the ballot box and count the ballots according to the instructions under the section "Close of Poll" starting at No. 4, "Counting the Ballots" and "Activities After Counting the Ballots."

In the interest of voter secrecy, if there have been very few voters at the advance poll(s), it is advisable to open the advance poll ballot box(es) at the same time as the regular poll ballot box(es) and mix the ballots together prior to counting them.

APPENDIX B VOTING MACHINES

An amendment to the LGEA in 1996 (S. 59.1) allows for the use of mechanical means of voting, recording votes and counting ballots. The Act provides Regulation making authority to govern the use of mechanical voting, but there are no Regulations in place at the time of writing.